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Apl. No. : 10/726,110

Inventor: Gary Searle

Filed : December 02, 2003

TC/A.U. : 4782

Examiner : WEBB, SARAH K

Docket No. : 03-062-GS

Title: MECHANICAL OCCLUDING AND DILATION DEVICE FOR
A VESSEL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. 1.8 TO WITHDRAW
HOLDING OF ABANDONMENT**

Ma'am:

Please find the following remarks pertaining a Petition under 37 C.F.R. 1.8 to
withdraw the holding of under:

Remarks/Statement begin on page 2 of this paper.



Remarks/Statement:

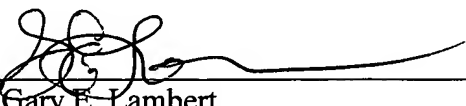
Applicants respectfully requests withdrawal of the holding of abandonment of Patent Application Serial No. 10/726,110. In the present case, per correspondence mailed on July 27, 2006 the instant application was abandoned for "Applicant's failure to timely file a proper reply to the Office letter mailed on 20 January 2006."

Further, during a telephone conference with the Examiner on August 10, 2006, as stated by the Examiner, the instant application was abandoned due to the Examiner's on July 24, 2006 receipt of the Response to the Office action. However, in said telephone conference, Applicant asserted that the certificate of mailing illustrated that the Response was mailed via first class mail, with a proper certificate of mailing, on July 20, 2006.

Herein, in response to said telephone conference, along with this Petition, Applicant files an attached Declaration in Support of the Petition under 37 C.F.R. 1.8 to Withdraw Holding of Abandonment, illustrating that said Response to the Office action was filed, via first class mail on July 20, 2006. For these reasons, Applicant respectfully requests Examiner grant this petition and withdraw the holding of abandonment.

Additionally, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Gary E. Lambert, Applicant's Attorney at (617) 720-0091 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,


08/15/2006
Date 
Gary E. Lambert
Attorney for the Applicant
Reg. No. 35,925

Apl. No. 10/726,110
Petition for Reinstatement



I hereby certify that this Response to the Office action is being deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient first class postage thereon on the date shown below.

Date: 08/15/2006


George S. MacInnis

George S. MacInnis
Lambert & Associates
92 State Street
Boston, MA 02109
617-720-0091

Apl. No. : 10/726,110

Inventor: Gary Searle

Filed : December 02, 2003

TC/A.U. : 4782

Examiner : WEBB, SARAH K

Docket No. : 03-062-GS

Title: MECHANICAL OCCLUDING AND DILATION DEVICE FOR
A VESSEL

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION IN SUPPORT OF PETITION UNDER 37 C.F.R. 1.8 TO
WITHDRAW HOLDING OF ABANDONMENT**

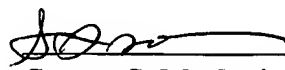
I George MacInnis, declare and state as follows:

1. A Response to the January 20, 2006 Office action, in question herein, was prepared and mailed on July 20, 2006

2. As reflected in attached exhibit A, I deposited said Response to the Office action with a proper certificate of mailing via first class mail on July 20, 2006 (Exhibit A, p. 3).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/15/2006


George S. MacInnis

Apl. No. 10/726,110
Petition for Reinstatement

EXHIBIT A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gary Searle

Application No.: 10/726,110

Filed: 12/02/2003

Title: MECHANICAL OCCLUDING AND DILATION
DEVICE FOR A VESSEL

Attorney Docket No.: 03-062-GS

Group Art Unit: 4782

Examiner: WEBB, SARAH K

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL

Dear Sir or Madam:

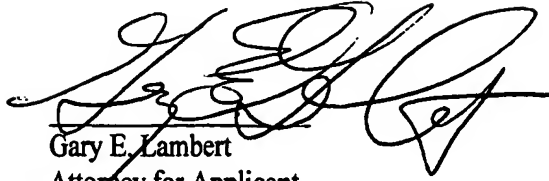
Please note that in response to the Office Action of January 20, 2006, a Notice of Appeal has been filed. A copy of the Notice of Appeal is enclosed with this communication.

A three-month extension of time is required to file this response, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely. The Commissioner is hereby authorized to charge the amount of \$510 and the filing fee for a Notice of Appeal of \$250 to Deposit Account No. 12-0115. Further, the Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 12-0115.

07/25/2006 NGUYEN1 00000040 120115 10064270
02 FC:2253 510.00 DA

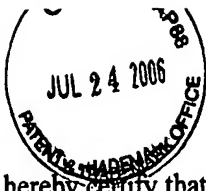
Respectfully Submitted,

7-20-06
Date

A handwritten signature in black ink, appearing to read 'G. E. Lambert', written over a horizontal line.

Gary E. Lambert
Attorney for Applicant
Reg. No. 35,925

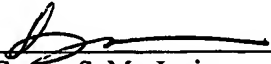
Gary E. Lambert
Lambert & Associates
92 State Street
Boston, MA 02109-2004
Tel. (617) 720-0091



CERTIFICATE OF MAILING

I hereby certify that this Response to the Office action is being deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 with sufficient first class postage thereon on the date shown below.

Date: 7/24/06


George S. MacInnis